

### Subpart 26.10—Assessment, Collection, Mitigation, Remission of Fines or Penalties

#### § 26.10-1 General.

(a) The assessment, collection, mitigation, and remission of any fine, penalty, or forfeiture incurred under the Act of April 25, 1940, as amended, are authorized by section 17 (46 U.S.C. 526p), which reads in part as follows:

\* \* \* The Commandant of the Coast Guard or any officer of the Coast Guard authorized by the Commandant may, upon application therefor, remit or mitigate any fine, penalty or forfeiture incurred under this Act or any regulations thereunder relating to motorboats or vessels, except the penalties provided in section 14 hereunder. \* \* \*

(b) The assessment, collection, mitigation, and remission of penalties incurred under the Federal Boating Act of 1958 are authorized by subsection 8(b) (46 U.S.C. 527e), which reads as follows:

The Secretary may assess and collect any penalty incurred under this Act or any regulations prescribed pursuant to section 7 of this Act. The Secretary may, in his discretion, remit or mitigate any penalty imposed under this section, or discontinue prosecution therefor on such terms as he may deem proper.

#### § 26.10-5 Procedures.

(a) Violations of maritime safety, navigation and vessel inspection laws, as well as rules and regulations prescribed thereunder, administered and enforced by the Coast Guard are reported by Coast Guard personnel detecting such violations to the Commander of the Coast Guard district in which the alleged violations occurred. The alleged offender will be informed of the nature of the violation.

(b) The procedures for the assessment, collection, remission, or mitigation are set forth in 33 CFR part 1.

[CGFR 65-50, 30 FR 16656, Dec. 30, 1965, as amended by CGD 74-68, 39 FR 19481, June 3, 1974]

### Subpart 26.15—Boarding

#### § 26.15-1 May board at any time.

(a) To facilitate the boarding of vessels by the commissioned, warrant, and

petty officers of the U.S. Coast Guard in the exercise of their authority, every uninspected vessel, as defined in 46 U.S.C. 2101(43), if underway and upon being hailed by a Coast Guard vessel, must stop immediately and lay to, or must maneuver in such a way to permit the Coast Guard boarding officer to come aboard. Failure to permit a Coast Guard boarding officer to board a vessel or refusal to comply will subject the operator or owner of the vessel to the penalties provided in law.

(b) Coast Guard boarding vessels will be identified by the display of the Coast Guard ensign as a symbol of authority and the Coast Guard personnel will be dressed in Coast Guard uniform. The Coast Guard boarding officer upon boarding a vessel will identify himself to the master, owner, or operator and explain his mission.

[CGFR 65-50, 30 FR 16656, Dec. 30, 1965, as amended by CGD 72-132R, 38 FR 5750, Mar. 2, 1973; CGD 95-027, 61 FR 25997, May 23, 1996]

### Subpart 26.20—Exhibition of Motorboat Operator's License

#### § 26.20-1 Must be available.

(a) Any person to whom a license as a motorboat operator has been issued shall have such license in his possession and available for immediate production to any Coast Guard boarding officer at all times during which any vessel which he is operating is carrying passengers for hire.

### Subpart 26.25—[Reserved]

### Subpart 26.30—Work Vest

Source: CGFR 68-65, 33 FR 19982, Dec. 28, 1968, unless otherwise noted.

#### § 26.30-1 Approved unicellular plastic foam work vests.

(a) Buoyant work vests carried under the permissive authority of this subpart shall be of an approved type, and shall be constructed, listed, and labeled in accordance with subpart 160.053 of subchapter Q (Specifications) of this chapter.